

**REMARKS**

Please reconsider the application in view of the following remarks. Applicant thanks the Examiner for carefully considering this application.

**Disposition of Claims**

Claims 1-3 are pending in this application. Claim 1 is independent. The remaining claims depend, directly or indirectly, from claim 1.

**Claim Rejections under 35 U.S.C. § 102**

Claims 1-3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,886,221 ("Minami"). This rejection is respectfully traversed.

Claim 1 recites a hinge apparatus including a first hinge member, a second hinge member turnably connected to the first hinge member, a moveable member, and a biasing member. The movable member is arranged on a turning axial line of the first and second hinge members in such a manner as to be turnable about the turning axial line and movable in the direction of the turning axial line. The biasing means is then adapted to bias the movable member toward the first hinge member.

Further, the first hinge member and the movable member have confronting surfaces, in which one of the confronting surfaces is provided with a plurality of end face cam surfaces extending in the peripheral direction about the turning axial line and equally spacedly arranged in the peripheral direction about the turning axial line. This confronting surface is also provided with a raised wall surface disposed between two of the end face cam surfaces which are adjacent in the peripheral direction. A distal end portion of the raised wall surface extends towards the other of the confronting surfaces in the direction of the turning axial line.

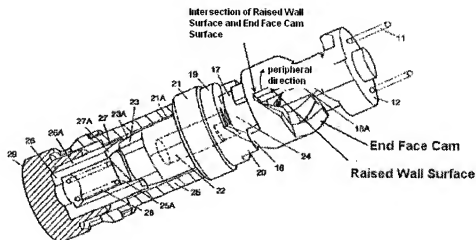
Furthermore, a recess is formed in a basal end portion of the raised wall surface, wherein the basal end portion is located spacedly from the other of the confronting surfaces. The recess is located at the intersection of the basal end portion of the raised wall surface and the end face cam surface so as to extend into the raised wall surface *in the peripheral direction about the turning axial line*. The raised wall surface is then located between the recess and the other of said confronting surfaces in the direction of the turning axial line.

Minami, on the other hand, shows in Figure 2 a folding device 32 having a movable part 12, a metallic slider 14, an actuator case 25, an actuator return spring 28, and stationary cam 15. In the Office Action, the Examiner asserts that “vertical wall next to 15A” reads on the raised wall surface of the claim, and that “[a] recess...is formed a basal end portion of said raised wall surface and located at the intersection of the raised wall surface and the end face cam so as to extend into the raised wall portion in the peripheral direction about the turning axial line....”

Applicant disagrees with the Examiner’s assertion regarding the presence of the claimed recess. Claim 1 recites, in part, “a plurality of end face cam surfaces extending in a peripheral direction about the turning axial line.” In addition, claim 1 recites the presence of a “raised wall surface disposed between two of said end face cam surfaces which are adjacent in the peripheral direction.” Located at the basal end of this raised wall surface is, as recited in claim 1, a “recess located at the intersection of said basal end portion of said raised wall surface and said end face cam surface so as to extend into said raised wall surface in the peripheral direction about said turning axial line.” Thus, two key aspects of the recess are (1) that it is located at the intersection of the two cam surfaces and (2) that the recess extends *into* the raised wall surface.

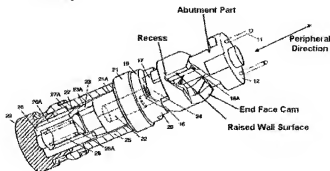
However, as can be seen in Annotated Minami Figure 1 shown below, it is clear that Minami does not disclose the recess as claimed. Marked in the annotated figure is the intersection of the raised wall surface and the end face cam surface. In addition, near the joint, Applicant calls attention to the annotation showing an arrow pointing in the peripheral direction. It can clearly be seen that no recess extends into the raised wall portion in peripheral direction as required by claim 1. Therefore, in contrast to the claimed invention, the raised wall surface of Minami joins the end cam surface, at a right angle, without a recess.

**Annotated Figure 1 (No Recess)**



In response to the above arguments, the Examiner attached the below Figure, and asserted the following:

Annotated Fig. 1



Examiner, however, interprets the peripheral direction of the movable member 14 to be that indicated in the above Annotated Fig. 1. It is pointed out that given the broadest reasonable definition, "peripheral" can be taken to mean "outer boundary". The outer bounding edge of the movable member 14 can be taken as both the upper and lower edge of the movable member. As such, the recess indicated in the annotated Fig. 1 extends in the direction of the upper and lower edge of the movable member 14 and therefore extends into said raised wall in the peripheral direction.

However, we note that the Examiner's assertion that the claimed peripheral direction could be the axial direction completely ignores structural limitations that are defined with respect to the peripheral direction. Claim 1 requires, in part, the plurality of end face cam surfaces *extending in a peripheral direction about a turning axial line and equally spacedly arranged in the peripheral direction about the turning axial line*. Additionally, claim 1 requires, in part, that the raised wall surface be disposed between two of the end face cam surfaces *adjacent in the peripheral direction*. If the peripheral direction was considered to be the axial direction of Minami, the above limitations would clearly not be shown or suggested by Minami. That is, if the peripheral direction was considered to be that which is labeled in the above annotated Figure produced by the Examiner, the cam faces would not extend in the peripheral direction about a turning axial line. In fact, such a construction of *the peripheral direction*

would mean that *the peripheral direction* would be along as *the turning axial line*, which would make the limitation “a plurality of end face cam surfaces extending in a peripheral direction about the turning axial line and equally spacedly arranged in the peripheral direction about the turning axial line” of claim 1 a physical impossibility. Furthermore, such a construction of *the peripheral direction* would mean that the limitation “a raised wall surface disposed between two of said end face cam surfaces which are adjacent in the peripheral direction” would require two end face cam surfaces to be disposed adjacently in the axial direction, which Minami clearly does not disclose. Applicant respectfully notes that it would be improper for the Examiner to construe *the peripheral direction* to be the axial direction for one limitation of the claim, while construing *the peripheral direction* to be a different direction for other limitations of the same claim.

In view of the above, Minami fails show or suggest all of the limitations of claim 1. Accordingly, independent claim 1 is patentable over Minami, at least for the above reasons. Claims 2 and 3 depend, either directly or indirectly, from claim 1. Thus, claims 2 and 3 are patentable over Minami, at least for the same reason. Accordingly, withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 12088/042001).

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